



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,400	05/03/2001	Hideaki Emoto	2001-0465A	6474

513 7590 05/26/2004

WENDEROTH, LIND & PONACK, L.L.P.  
2033 K STREET N. W.  
SUITE 800  
WASHINGTON, DC 20006-1021

EXAMINER

CHEN, WENPENG

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 05/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/847,400

**Applicant(s)**

EMOTO ET AL.

**Examiner**

Wenpeng Chen

**Art Unit**

2624

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____.  |

***Specification***

1. The disclosure is objected to because of the following informalities.

-- The term "FET" in line 6, page 3 shall be changed to "FFT".

Appropriate correction is required.

2. The Examiner recommends spelling out "FFT" at its first occurrence as "Fast Fourier Transform".

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 4-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

A dummy picture compression signal is merely data, which are non-functional descriptive material.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sinisalo (UK Patent Application GB 2280827 A.)

For Claims 1-3, Sinisalo teaches a communication process comprising:

-- a step for dummy-picturing data consisting of a predetermined number of original data;  
(Fig. 1; page 5 explaining Fig. 1)

-- a step for dummy-picturing data consisting of a predetermined number of original data including important information about characteristic curves; (Fig. 1; page 5 explaining Fig. 1; Speech signal is important information.)

-- a step for highly compressing dummy pictured data by a picture compression treatment; (JPEG of Fig. 2)

-- a step for transmitting said dummy pictured data compressed in the previous step;  
(transmission of Fig. 2)

-- a step for reproducing said dummy pictured data transmitted in the previous step;  
(inverse JPEG of Fig. 2)

-- a step for dividing said dummy pictured data into said predetermined number of original data so as to reproduce said original data. (IFFT step of Fig. 2)

Sinisalo also teaches that the method is targeted for sound mail applications, which include sending sound information, such as conversation or noise, observed a plant located at a remote site.

The above-cited passages and reasons also teach signal of Claims 4-6.

For Claims 7-9, Sinisalo teaches a data compression process for transmitting data including important information about characteristic curves to a remote site, said data compression process comprising:

- a step for dummy picturing said data consisting of a predetermined number of original data at a transmitting site; (Fig. 1; page 5 explaining Fig. 1)
- a step for highly compressing said dummy pictured data by a picture compression treatment; (JPEG of Fig. 2)
- a step for transmitting said dummy pictured data compressed in the previous step to a receiving site; (transmission of Fig. 2)
- a step for recovering said data received at said receiving site so as to reproduce said dummy pictured data; (inverse JPEG of Fig. 2)
- a step for dividing said dummy picture into said predetermined number of said original data. (IFFT step of Fig. 2)

The above-cited passages and reasons also teach the method recited in Claims 10-15.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wenpeng Chen whose telephone number is 703 306-2796. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on 703 308-7452. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular

Art Unit: 2624

communications and 703-872-9306 for After Final communications. TC 2600's customer service number is 703-306-0377.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

Wenpeng Chen  
Primary Examiner  
Art Unit 2624

May 21, 2004

A handwritten signature in black ink, appearing to read 'Wenpeng Chen', written in a cursive style.